

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

1:21-cv-707

Paul L. Maloney

United States District Judge

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

Southern Division

Brandon Jon Harvey

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Secretary of State
of the
State of Michigan

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Brandon Jon Harvey		
Address	8416 N 14th St		
	Kalamazoo	MI	49009
	City	State	Zip Code
County	Kalamazoo		
Telephone Number	(269) 220-9228		
E-Mail Address	brandon.j63.harvey@wmich.edu		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Secretary of State of the State of Michigan		
Job or Title (if known)	To maintain the records of State government		
Address	430 W. Allegan St, Richard H. Austin Building - 4th Floor		
	Lansing	MI	48918
	City	State	Zip Code
County	Ingham		
Telephone Number	888-767-6424		
E-Mail Address (if known)	michigan.gov/Contactsos		
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	Not Applicable		
Job or Title (if known)			
Address			
	City	State	Zip Code
County			
Telephone Number			
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 3

Name

Not Applicable

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

Defendant No. 4

Name

Not Applicable

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? to protection against double jeopardy, to minor’s due process of life, to due process of law, to equal protection and application of the law, to life, liberty, freedom of movement, to confront my accuser, to a fair trial, to address and redress my grievances, to the use of a prosthesis in the accommodation of a physical disability under Title II of ADA, to seek gainful employment, to enter into a personal relationship with a significant other, to father my own child, to be treated with decency and respect

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Not Applicable

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The agency has fraudulently exercised authority in violation of State and Federal law. Several attempts have been made to address the matter and communicate the usurpation to the agency, but the agency has repeatedly refused my right to be heard on the matter and persists in its manipulative scheme to circumvent the law and my rights, thus enabling these repeated injuries under color of law for 16 years

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

The most recent injurious action suffered by the agency occurred after following the instructions of the Secretary of State and of the State of Michigan's Circuit Court, through an electronically submitted hearing request process, at website: milogin.michigan.gov

- B. What date and approximate time did the events giving rise to your claim(s) occur?

Most recent injury was suffered on August 9th 2021 at approximately 10:56 AM

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

The Department of State is continuing to hold me prisoner under it's human trafficking scheme that began 16 years ago when I was 17 years of age and forced into multiple plea agreements, threatened with jail time, promised expungement and had exculpatory evidence withheld in the malicious prosecution of those cases. The law is very specific about the separate treatment of minors under the age of 21 under such circumstances, including different instructions regarding driver's license sanctioning by the Secretary of State. The Department however refuses to apply the appropriate laws which dictate that their Department never had discretionary authority to revoke my license, so instead, they entered different violations into my record that suggest that I was an adult at the time so that they can maintain their reign over me, keep me in poverty so I can't fight back, and simply ignore my claims and requests to amend the record so that they may keep me within the confines of their human trafficking scheme so that they may promptly collect the earnings that they believe they are entitled to.
PLEASE SEE THE ATTACHED SUPPLEMENTARY DOCUMENTATION FOR FURTHER DETAILS.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

As a consequence of this agency's abuse, I have been medically diagnosed with Major Depression, Anxiety, Post Traumatic Stress Disorder, hypertension, persistent adjustment disorder, and severe persecutory paranoia, at times causing such overwhelming frustration as to drive me nearly to the brink of madness.

I have also suffered multiple spinal injuries as a result of the sacrifices I have made in being forced to endure the unjustified and unreasonable alternative methods of transportation and mobility that I have been forced to suffer and endure as a result of this agency's unwarranted abusive schemes and tyranny over me.

They have robbed me of my dignity, my pride, my self respect, the respect of my family, friends, loved one's, and co-workers.

They have made it impossible to acquire and maintain gainful employment, a stable relationship, financial security, housing stability, an educational curriculum, or any hope for a life or a future.

The last straw was when the abuses of this agency cost me my right to father my own son, who is now 4 years old and has not seen his father in nearly a year because of alleged concerns towards my mental health and overwhelming depression. The State has nothing left to gain here. The State's argument is that my son and I must continue to suffer for something that allegedly occurred 16 years ago when I was a 17 year old child.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would ask that this court recognize that in our 3 branch system of government. Power is balanced between those branches so that no one branch, department, or agency may usurp the authority of another and exercise their authority under the role of judge, jury and executioner, as the Department of State has done in this circumstance.

I would ask that this court render the actions and authority of the Michigan Secretary of State in this matter to be in violation of the Constitution of the United States and the most basic principles of good government.

I would ask that this court declare the matters in question to be void ab initio, in accordance with Section 4 of the 14th Amendment of the Constitution of the United States.

I would ask that this court compel the Michigan Secretary of State to vacate the fabricated driving record, restore my liberty to travel freely within the borders of our Nation, to cease and desist in it's harassment and abuse pertaining to these matters, and that it release me from the unwarranted confines of this agency's despotic reign and allow me to live my life as an honest, hard working, law abiding citizen of these United States. I am not certain at what point something must be considered a right and when it should definitively attach. I only know that it must attach at some point before its deprivation threatens an individual's very life and means of living.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/17/2021

Signature of Plaintiff

Printed Name of Plaintiff

Brandon J Harvey

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

FIRST and LAST ARGUMENT
in support of
COMPLAINT for VIOLATION of CIVIL RIGHTS

1. I would first like to point out that when 2 parties involved in a dispute are self-governed by reasonable and rationale mind, judgment, and character, no circumstance should arise that demonstrates a need for judicial intervention. In a rational world, there would exist no conflict that couldn't be resolved by both parties recognizing and reasonably addressing the concerns of the opposing party. Even reasonable men recognize that when logic, and reason fail, the only remaining solution is a violent one. It is for that reason that a judiciary was created. At no point throughout the 16 year history of this matter has such a reasonable process occurred, despite my numerous attempts to initiate that reasonable communication. It stands to reason that if a complaint such as this is brought before this court, the cause of the complaint is the irrational and unreasonable behavior of one or both parties. It also stands to reason that when one party has attempted and exhausted all reasonable alternative options to resolve the matter, that said party is not the antagonist of justice.

2. Mistakes committed out of ignorance are intrinsic in all matters subject to human nature and interference. They must, therefor, be held tolerable and forgivable so long as those errors are amended once they have been identified. My complaint is that those errors have been identified and brought to the attention of State government, who has not only failed to fulfill its obligation to correct those errors, but has responded capriciously, arbitrarily, maliciously, arrogantly, and manipulatively with repeated injury, indicating that the matter in question was not the product of human error, nor in pursuit of a government interest. These regulatory actions have not been the product of the law's intended application, nor of sound judgment, and instead have been the product of certain individual's personal beliefs and bias that is not supported by evidence or fact, but by those individual's blind acceptance of unsupported tenants, treating the source and authority of those tenants as if they were commandments of divine origin. Therefor, that bias is the product of religious belief and the State regulatory actions in question have been carried out under color of the law by individuals who have infiltrated government for the purpose of imposing their religious beliefs upon the American citizens of the State of Michigan.

3. Furthermore, the history of the cases and allegations in question evince a scheme of human trafficking, wherein the punitive and administrative actions taken have not been to serve a government

interest, but to draw an income from the accused, to discredit the accused, and to create circumstances that drastically increase the accused individual's risk of recidivism and subsequent arrest, allowing the State's process in the administration of justice to be used as a means to treat individuals as a renewable agricultural crop that may be periodically harvested while masking and sheltering the reapers from public scrutiny, which would otherwise prevent that corrupt influence from affecting government. No body of government has the authority to arbitrarily subjugate its citizens to punishment based solely upon suspicion, especially when they themselves have proven unwilling to comply with the law.

4. In the State of Michigan, it is every citizen's right to exercise their religion according to the dictates of their conscience and when I am confronted with questions of conscience, I do not seek council within State or Federal law, but within the doctrine of my religion and through council by prayer to divine authority. Neither State nor Federal government may interfere with that exercise unless the abstention would result in the affliction of harm to another individual or to the Public. Therefore, government may not enforce its religious tenants in place of my own because government has no jurisdiction over a man's eternal soul and because I subscribe to the teachings of Christ, which is summarized as follows:

Matthew 7:12

“So in everything, do to others what you would have them do to you,
for this sums up the Law and the Prophets.”

Hebrews 10

“The law is only a shadow of the good things that are coming—not the realities themselves. For this reason it can never, by the same sacrifices repeated endlessly year after year, make perfect those who draw near to worship. Otherwise, would they not have stopped being offered? For the worshipers would have been cleansed once for all, and would no longer have felt guilty for their sins. But those sacrifices are an annual reminder of sins. It is impossible for the blood of bulls and goats to take away sins.

Therefore, when Christ came into the world, he said

“Sacrifice and offering you did not desire,
but a body you prepared for me;

with burnt offerings and sin offerings
you were not pleased.

Then I said, ‘Here I am—it is written about me in the scroll—
I have come to do your will, my God.’”

First he said, “Sacrifices and offerings, burnt offerings and sin offerings you did not desire, nor were you pleased with them”—though they were offered in accordance with the law. Then he said, “Here I am, I have come to do your will.” He sets aside the first to establish the second. And by that will, we have been made holy through the sacrifice of the body of Jesus Christ once for all.

Day after day every priest stands and performs his religious duties; again and again he offers the same sacrifices, which can never take away sins. But when this priest had offered for all time one sacrifice for sins, he sat down at the right hand of God, and since that time he waits for his enemies to be made his footstool. For by one sacrifice he has made perfect forever those who are being made holy.

The Holy Spirit also testifies to us about this. First he says:

“This is the covenant I will make with them
after that time, says the Lord.
I will put my laws in their hearts,
and I will write them on their minds.”

Then he adds:

“Their sins and lawless acts
I will remember no more.”

And where these have been forgiven, sacrifice for sin is no longer necessary.

Therefore, brothers and sisters, since we have confidence to enter the Most Holy Place by the blood of Jesus, by a new and living way opened for us through the curtain, that is, his body, and since we have a great priest over the house of God, let us draw near to God with a sincere heart and with the full assurance that faith brings, having our hearts sprinkled to cleanse us from a guilty conscience and having our bodies washed with pure water. Let us hold unswervingly to the hope we profess, for he who promised is faithful. And let us consider how we may spur one another on toward love and good deeds, not giving up meeting together, as some are in the habit of doing, but encouraging one another—and all the more as you see the Day approaching.

If we deliberately keep on sinning after we have received the knowledge of the truth, no sacrifice for sins is left, but only a fearful expectation of judgment and of raging fire that will consume the enemies of God. Anyone who rejected the law of Moses died without mercy on the testimony of two or three witnesses. How much more severely do you think someone deserves to be punished who has trampled the Son of God underfoot, who has treated as an unholy thing the blood of the covenant that sanctified them, and who has insulted the Spirit of grace? For we know him who said, “It is mine to avenge; I will repay,” and again, “The Lord will judge his people.” It is a dreadful thing to fall into the hands of the living God.

Remember those earlier days after you had received the light, when you endured in a great conflict full of suffering. Sometimes you were publicly exposed to insult and persecution; at other times you stood side by side with those who were so treated. You suffered along with those in prison and joyfully accepted the confiscation of your property, because you knew that you yourselves had better and lasting possessions. So do not throw away your confidence; it will be richly rewarded.

You need to persevere so that when you have done the will of God, you will receive what he has promised. For,

“In just a little while,
he who is coming will come
and will not delay.”

And,

“But my righteous one will live by faith.

And I take no pleasure
in the one who shrinks back.”

But we do not belong to those who shrink back and are destroyed, but to those who have faith and are saved.”

1 Corinthians 13

“If I speak in the tongues of men or of angels, but do not have love, I am only a resounding gong or a clanging cymbal. If I have the gift of prophecy and can fathom all mysteries and all knowledge, and if I have a faith that can move mountains, but do not have love, I am nothing. If I give all I possess to the poor and give over my body to hardship that I may boast, but do not have love, I gain nothing.

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It does not dishonor others, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres.

Love never fails. But where there are prophecies, they will cease; where there are tongues, they will be stilled; where there is knowledge, it will pass away. For we know in part and we prophesy in part, but when completeness comes, what is in part disappears. When I was a child, I talked like a child, I thought like a child, I reasoned like a child. When I became a man, I put the ways of childhood behind me. For now we see only a reflection as in a mirror; then we shall see face to face. Now I know in part; then I shall know fully, even as I am fully known.

And now these three remain: faith, hope and love. But the greatest of these is love.”

5. Finally, I wish to note that a writ of mandamus would have been my preferred remedy in this matter, but I recognize that the remedy is generally barred by the Supreme Court's conclusion in *Marbury v. Madison* wherein the Supreme Court recognized that, despite the aggrieved being justifiably entitled to the relief, that the superseding authority of the Constitution of the United States, under which the Judiciary Act was created, prevented the court from exercising that authority because the Constitution of the United States was not created by the separate and equal authority divested in

one of the 3 branches of government. It was created and ratified by the People of the United States, who are the superior body of government from which the 3 branches extend. For the court to yield deference to the Civil Power's chain of custody, it must also recognize that under the authority of Great Britain, that same body possessed no such authority and were recognized as outlaws, traitors, deserters and criminals. The only authority granting and justifying the People's claim of sovereign authority was, and is, Divine Providence, as described within the the Declaration of Independence. Therefor, the court must recognize the jurisdiction of Divine Providence and it's Constitution, which is written upon the fabric of our reality and described by the laws of Nature, Physics, and Chemistry. This court must also recognize the authority of those superseding laws because to deny those laws of their authority and jurisdiction is to surrender to madness. The civil magistrate does not possess the power to order the wind to reverse it's course, or to compel gravity to cease and desist in its forceful application upon Creation. While the universe may suffer mankind's perversions and persuasions from time to time, it is insane to believe that man could impose upon it a permanent influence, or that it will not rectify itself with an equal and opposite reaction, just as it applies justice to everything else existing within it and subject to its laws. Mankind does not possess the capacity to create or prevent justice. Mankind may only provoke it or encourage it. Justice falls within Nature's jurisdiction, as enforced by Divine authority. Even with our accumulated knowledge, we, as a species, are merely infants in our understanding of this world, using Nature's justice as a weapon as we pluck its bow strings to fire projectiles towards our intended targets without any certainty of where that fatal shot might actually land. How can we claim to have evolved in our intelligence from that of our primitive ancestors when the sum of our accomplishments is the evolution of the blunt instrument in which we use in our attempts to remedy problems with solutions? If one's vehicle ceases to operate, is it reasonable to lock it in a stall and expect it to repair itself? Is it reasonable to beat it into submission? Or is it reasonable to investigate, diagnose, and repair the underlying problem, failure, or malfunction. A solution is one that solves a problem, not one that addresses a problem with more problems. Governments are established by the People they serve with one intended purpose, that is to solve problems. Whenever government's actions do not satisfy that purpose, it is without jurisdiction.

I, Brandon Jon Harvey, hereby certify on this 16^h day of August 2021, that the information provided within this document is true to the best of my knowledge, understanding and belief.

x Brandon J Harvey
 Brandon J Harvey

Brandon J Harvey

8/16/2021
 Date